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Attorneys for plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Patricia Galvin,
v.
Plaintiff,
v.
Provident Life and Accident
Insurance Company as Administrator
and Fiduciary of the Group Long
Term Disability Plan for Heller,
Erhman, White & McAuliffe, et al.,
Defendants.)
)
No: C 07 05195 JF
**STIPULATION AND [PROPOSED]
ORDER RE: BILL OF COSTS AND
MOTION FOR ATTORNEY'S FEES
AND PREJUDGMENT INTEREST**

The parties in the above-captioned matter, through their respective attorneys of record, enter into the following stipulation and request the Court to enter an order accordingly:

1. On July 17, 2009, the Court issued its Order Re: Cross-Motions for Summary Judgment. On page twenty three (23) of the Order, the Court stated that "judgment will be entered in Galvin's [plaintiff's] favor" and the parties were ordered to schedule a further hearing date if they were "unable to agree as to the method of calculating the benefits owed to Galvin, including any interest or applicable offsets."

2. The parties wish to clarify whether the Court intended its Order to trigger

plaintiff's time within which to file her bill of costs pursuant to Local Rule 54-1 and motion for attorney's fees pursuant to Local Rule 54-6, or if the Court intends to issue a formal judgment after it is supplied with, or determines after a further hearing, the relevant numbers regarding the benefits owed to Galvin, including any interest or applicable offsets, which would then trigger the filing requirements under Local Rules 54-1 and 54-6.

3. In light of the foregoing, the parties hereby stipulate and request that the Court extend the time within which plaintiff's bill of costs and motion for attorney's fees and prejudgment interest must be filed until fourteen (14) days after the parties either supply the Court with the relevant numbers regarding the benefits owed to Galvin, including any interest or applicable offsets, or the Court determines the same after a further hearing, and judgment is entered accordingly.

Respectfully submitted,

ROBOOSTOFF & KALKIN

Dated: July 28, 2009

/s/
Scott Kalkin
Attorney for plaintiff

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP

Dated: July 28, 2009

By: _____ /s/
John C. Ferry
Attorneys for Defendants
Provident Life and Accident Insurance
Company as Administrator and
Fiduciary of the Group Long Term
Disability Plan for Heller, Erhman, White
& McAuliffe, and the Group Long Term
Disability Plan for Heller, Erhman, White
& McAuliffe

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2 IT IS SO ORDERED.
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Dated: 7/30/09

5 By:

6 Judge of the United States District
7 Court for the Northern District of
8 California
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